

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1624

By: Wilt

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2001, Section 51-111, which relates to collective bargaining agreements for municipal fire fighters and police officers; providing that certain determinations shall be in writing; providing that certain arbitration awards shall be appealable; providing venue; requiring certain procedures be followed; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 2001, Section 51-111, is amended to read as follows:

Section 51-111. A. Any agreement actually negotiated between the bargaining agent and the corporate authorities either before or within thirty (30) days after arbitration shall constitute the collective bargaining contract governing fire fighters or police officers in the municipality for the period stated therein; provided that such period shall not exceed one (1) year.

B. Any collective bargaining agreement negotiated under the terms and provisions of this article shall specifically provide that the fire fighters or police officers who are subject to its terms shall have no right to engage in any work stoppage, slowdown or strike, the consideration for such provision being the right to a resolution of disputed questions.

C. All rules, regulations, fiscal procedures, working conditions, departmental practices and manner of conducting the operation and administration of fire departments and police departments currently in effect on the effective date of any

negotiated agreement shall be deemed a part of said agreement unless and except as modified or changed by the specific terms of such agreement.

D. 1. Every such agreement shall contain a clause establishing arbitration procedures for the immediate and speedy resolution and determination of any dispute which may arise involving the interpretation or application of any of the provisions of such agreement or the actions of any of the parties thereunder.

2. In the absence of such negotiated procedure such dispute may be submitted to arbitration in accordance with the provisions of Sections 51-107 through 51-110 of this title, except that the arbitration board shall be convened within ten (10) days after demand therefor by the bargaining agent upon the corporate authority or authorities.

~~In such case the~~ 3. The arbitration board's determination shall be in writing and shall be final; provided, as a matter of public policy, any arbitration award that arises from a disciplinary action resulting in loss of pay, suspension, demotion of position, or termination, including without limitation any such award arising from a negotiated arbitration procedure, shall be subject to judicial review in the district court in the county in which the situs of the municipality is located. In any such appeal, the following procedures shall apply:

- a. the appeal shall be taken by filing a notice of appeal with the arbitrator, the corporate authorities, the bargaining agent, and the district court clerk within thirty (30) days after the date of the written award of the arbitrator. The notice of appeal shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal,
- b. the appellant shall, within thirty (30) days after the filing of the notice of appeal, transmit to the

district court clerk the original or certified copies of all papers, transcripts, pleadings and briefs constituting the record in the case, together with the arbitration award. In cases for which a court reporter was not present, the appellant shall designate the record and the appellee shall have twenty (20) days to make any additional designation it deems appropriate,

c. the appeal shall be heard de novo in the district court. An appeal to the district court from the arbitration award stays all actions or proceedings in furtherance of the award that is the basis for the appeal, and

d. the district court may reverse or affirm, wholly or partly, or modify the arbitration award brought up for review. The action of the district court shall be subject to appeal in the same manner and to the same extent as in all civil actions.

SECTION 2. This act shall become effective November 1, 2005.

50-1-5568

MD

12/09/04